

Tuesday, October 27, 2015

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

**PRESENT:** Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Lynn Compton and Chairperson Debbie Arnold

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON DEBBIE ARNOLD.**

**Consent Agenda – Review and Approval:**

**1-8.** This is the time set for consideration of the Consent Agenda.

**Chairperson Arnold:** opens the floor to public comment.

The action taken for Consent Agenda items 1 through 8 on the following vote is indicated for each item.

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Consent Agenda – Board sitting as the In Home Supportive Services Governing Board:**

**1.** Submittal of a resolution approving the July 1, 2015 – June 30, 2017 Memorandum of Understanding between the In-Home Supportive Services Public Authority Governing Board and the United Domestic Services Workers of America, AFSCME Local 3930, AFL-CIO. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-283, adopted.**

**Consent Agenda – Items: Set for Hearing:**

**2.** Introduction of an Ordinance amending water service charges in San Luis Obispo County Service Area No. 23, Santa Margarita Water System, Santa Margarita. Hearing date set for December 15, 2015. District 5.

**Mr. Jim Joffee (graph):** speaks.

**Mr. Will Clemens – Department of Public Works (graph):** speaks.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:**

**3.** Submittal of a cash procedures and internal control review of the Veterans Services Office conducted on April 15, 2015. All Districts.

**Mr. Dana Cummings (handout, not provided to the clerk and credit card):** speaks.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Board of Supervisors Items:**

4. Request to appoint Michael Sean Kennedy to the Shandon Public Cemetery District. District 1.

**The Board approves as recommended by the County Administrative Officer.**

5. Submittal of a resolution recognizing November 15th as "National Philanthropy Day" in San Luis Obispo County. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-284, adopted.**

**Consent Agenda - Clerk-Recorder Items:**

6. Request to approve the minutes of the Board of Supervisors meetings held during the months of June 2015 through September 2015. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - General Services Items:**

7. Reject all bids for the Meridian Fire Station Apparatus Bay Expansion project, located at 4050 Branch Road, Paso Robles. District 1.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Health Agency Items:**

8. Request to approve a FY 2015-16 renewal contract with San Luis Obispo Community College District (Cuesta College) in the amount not to exceed \$143,310 to provide prevention and early intervention mental health and wellness services for Transitional Aged Youth throughout San Luis Obispo County. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Presentations:**

9. Submittal of a resolution recognizing Curt Batson upon his retirement after 19 years of service to the County of San Luis Obispo. All Districts.

**Mr. Jeff Hamm – Health Agency Director and Mr. Curt Batson - Environmental Health Director:** speak.

**Chairperson Arnold:** opens the floor to public comment without response.

**RESOLUTION NO. 2015-285, a resolution recognizing Curt Batson upon his retirement after 19 years of service to the County of San Luis Obispo, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

10. Submittal of a resolution celebration of Dia de los Muertos in Mission Plaza in San Luis Obispo County. All Districts.

**Chairperson Arnold:** opens the floor to public comment without response.

**RESOLUTION NO. 2015-286, a resolution recognizing the celebration of Dia De Los Muertos in the Mission Plaza in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

11. Submittal of a resolution commending the professional conduct of County Parks and Sheriff staff during an emergency incident at Lopez Lake Recreational Area. District 4.

**Mr. Nick Franco – Department of Parks and Recreation and Sheriff Coroner Ian Parkinson:** speak.

**Chairperson Arnold:** opens the floor to public comment without response.

**RESOLUTION NO. 2015-287, recognizing Lopez Lake Rangers and Sheriff Staff for their professional conduct during a personal watercraft accident at Lopez Lake, adopted.**

**Motion by:** Adam Hill  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

10. Submittal of a resolution celebration of Dia de los Muertos in Mission Plaza in San Luis Obispo County, is brought back.

**Ms. Ingrid Pires:** speaks. **No action taken.**

**Public Comment Period:**

12. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

**Mr. Eric Greening:** speaks to a transportation reauthorization bill and important components that should be incorporated in the final bill.

**Ms. Laura Mordaunt:** states today is an important day for decisions in the County and encourages as the Board moves forward, that there is an awareness of un-honest facts and practices.

**Mr. George Sullivan:** requests repair work on Tassajara Creek Road.

**Mr. Greg Grewal:** addresses concerns regarding the conduct of a Supervisor taking on issues solely in their district.

**Mr. Scott Barnes:** discusses an incident that occurred when he tried to make an appointment with his

District Supervisor; and comments on a request for his contribution receipts to Veterans Services.

**Dr. C. Hite:** speaks to the Dia de los Muertos event at the San Luis Obispo Mission Plaza.

**Mr. John Snyder:** addresses overdraft issues relating to the Santa Maria groundwater litigation; and asks the Board stand with him before the judge to request a hearing on overdraft safe yield and pumping.

**Ms. Linda Murrell:** expresses concerns regarding Morro Bay discharging secondary treated water into the ocean and asks the County to assist in expediting a new sewer treatment facility.

**Mr. Bill Pelfrey:** questions the Board’s liability for forthcoming lawsuits. **No action taken.**

**Board Business:**

- 13.** Request approval of a letter to California Secretary for Natural Resources John Laird regarding the regulation and permitting of Sand Mines in San Luis Obispo County. Districts 1 and 5.

**Chairperson Arnold:** opens the floor to public comment.

**Mr. Eric Greening; Ms. Susan Harvey – North County Watch; Mr. Charles Kleeman – Representing Margarita Proud; and Mr. Paul Viborg – Viborg Sand and Gravel:** speak.

**Supervisor Hill:** states he is not comfortable sending this letter at this time and will be abstaining from voting.

**The Board approves and directs the Chairperson to sign the letter to the California Secretary for Natural Resources, John Laird, regarding the regulation and permitting of Sand Mines in San Luis Obispo County.**

**Motion by:** Debbie Arnold  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)			x	
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Hearing:**

- 14.** Hearing to consider amendments to the Agriculture Element and the Conservation and Open Space Element of the General Plan; amendments to Title 8 (Health and Sanitation Code), Title 19 (Building and Construction Ordinance), and Title 22 (Land Use Ordinance) of the County Code in order to implement the Water Neutral New Development and Water Waste Prevention components of the proposed Countywide Water Conservation Program (CWWCP); Ordinance 3274 (County Fee Schedule) to establish new fees associated with the implementation of the proposed CWWCP; and the Position Allocation List for Fund Center 142 – Planning and Building to amend one limited-term Planner I – III position to extend to December 31, 2019. All Districts.

**Chairperson Arnold:** opens the floor to public comment.

**Mr. Willy Cunha – Paso Robles Groundwater Basin Advisory Committee (letter); Mr. Bob Blair; Mr. Robert Hartzell - Upper Salinas Las Tables Resource Conservation District; Mr. Jim Garing (map) and Mr. Daniel Heimel – Northern Cities Management Area Technical Group (letter); Ms. Elsa Dawson; Mr. Gary Kirkland; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Ms. Jan Seals - PROWater Equity Treasurer; Ms. Laura Mordaunt; Ms. Claire Wineman – Grower Shipper Association of Santa Barbara and San Luis Obispo Counties President; Ms. Jeannette Watson; Ms. Joy Fitzhugh – Farm Bureau; Ms. Laurie Gage; Ms. Patricia Wilmore – Paso Robles Wine Country**

Alliance, Government Affairs Coordinator; Ms. Carolyn Atkinson; Mr. John Snyder (documents); and Mr. Ted Gilbert; Ms. Debbie Peterson; Mr. Chris Ivey; Mr. Eric Greening; Mr. Allen Duckworth; Dr. Mary Winfree; Mr. George Sullivan; Mr. Greg Grewal; Mr. Bill Stansbury; Mr. Chuck Pritchard; Mr. Michael Baugh; Mr. Craig Armstrong – Nipomo Community Services District (NCSD) President; Mr. Ed Eby – NCSD; Mr. Michael LeBrun; Mr. Bill Pelfrey; Mr. Reginald Barry Corella; Ms. Sophie Treder – Treder Land Law (letters); and Ms. Margaret Holstine: speak.

The Board directs staff to come back with information on how to better manage and regulate deep drilling in the Paso basin.

Motion by: Debbie Arnold

Second by: Lynn Compton

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)		x		
Hill, Adam (Board Member)		x		

**Supervisor Compton:** discusses why the components of the proposed Countywide Water Conservation Program (CWWCP) should not apply to the Nipomo Mesa Water Conservation area boundary, with Board Members, staff, and Mr. LeBrun responding.

**Board Members:** discuss the Land Use Ordinance amendments - Title 22, under Section B. Exemptions, Nos. 1 and 5; and Section G. Agricultural Offset Clearance, No. 7, with staff responding.

A motion by Supervisor Frank R. Mecham, to approve staff recommendations with the following changes: in the Land Use Ordinance amendments - Title 22 (Exhibit F of the staff report), that the expiration date be upon submittal of the Groundwater Sustainability Plan that is in required basins; that Section G. Agricultural Offset Clearance, No. 7 be removed; that the language regarding the de minimis use of 5 acre feet remain in the ordinance; and that the Nipomo Community Services District (NCSD) be removed from the components of the CWWCP, is discussed.

**Supervisor Hill:** states he cannot support the motion with leaving in the de minimis language and removing the Nipomo area.

**Ms. Whitney McDonald – Deputy County Counsel:** states by removing the Nipomo area would require a re-introduction of the ordinance to Title 19.

**Mr. Dan Buckshi – County Administrative Officer:** clarifies that it is not in the Nipomo CSD area but in the Nipomo Mesa Water Conservation area, with the motion maker concurring.

The motion fails for a lack of a second.

On motion by Supervisor Bruce S. Gibson, seconded by Supervisor Adam Hill, to approve staff recommendations with the following changes to the Land Use Ordinance amendments - Title 22 (Exhibit F of the staff report) by removing Section G. Agricultural Offset Clearance, No. 7 regarding the effective date; and by removing Section B. Exemptions, No. 5 regarding the de minimis use, is discussed.

**Supervisor Mecham:** recommends the motion be amended by leaving in the de minimis exemption regarding the 5 acre feet in Section B. No. 5, is discussed.

The motion maker and the second withdrawal their motion on the floor.

On motion by Supervisor Frank R. Mecham, seconded by Supervisor Adam Hill, to approve staff recommendations; leaving in the de minimis use of 5 acre feet, Section B. 5; adding that the expiration date be upon submittal of the Groundwater Sustainability Plan; and by removing Section G. Agricultural Offset Clearance, No. 7 in the amendments to Land Use Ordinance - Title 22 (Exhibit F of the staff report), is discussed.

**Supervisor Gibson:** states he cannot support the motion because he feels it weakens the provisions.

**Chairperson Arnold:** comments that she’s doesn’t feel the documentation represents a fair distribution of water for all users; that it will place limitations on further divisions in all areas of the County and will implement water offset programs for all groundwater users until plans and funds are in place.

The Board approves staff’s recommendations; leaving in the ordinance the exemption relating to the de minimis use of 5 acre feet; modifies the amendments to the Land Use Ordinance – Title 22 (Exhibit F of the staff report) as follows: under Section H. Termination, by removing the words “shall expire upon the effective date of a final and adopted Water Code Section 10720 et seq. Groundwater Sustainability Plan” and replacing with “shall expire upon submittal of an application per Water Code Section 10720 et seq. for a Groundwater Sustainability Plan”; and by removing Section G. Agricultural Offset Clearance, No. 7.

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)		x		
Compton, Lynn (Vice Chairperson)		x		
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)		x		
Hill, Adam (Board Member)	x			

The motion fails.

On motion by Supervisor Frank R. Mecham, seconded by Supervisor Adam Hill, to approve staff recommendations; leaving in the de minimis use of 5 acre feet, Section B. 5; and by removing Section G. Agricultural Offset Clearance, No. 7 from the Land Use Ordinance amendments - Title 22 (Exhibit F of the staff report); and adding in Section H. Termination, that the expiration date would be upon approval of the submittal of the Groundwater Sustainability Plan or if the Board of Supervisors removes the expiration, is discussed.

**Ms. Rita Neal – County Counsel:** questions if the rescinding language to motion is implied without having to add it to the ordinance, with the motion maker responding that the language doesn’t need to be added.

The Board amends the Land Use Ordinance amendments - Title 22, Exhibit F of the staff report, by removing Section G. Agricultural Offset Clearance, No. 7 and renumbering No. 8 as No. 7. Further, the Board certifies the Final Supplemental Environmental Impact Report (FSEIR), including Appendices and RESOLUTION NO. 2015-288, a resolution adopting specific amendments to the Agriculture Element and the Conservation and Open Space Element of the General Plan; specific amendments to Title 8 (Health and Sanitation Code), Title 19 (Building and Construction Ordinance), and Title 22 (Land Use Ordinance) of the County Code in order to implement the Water Neutral New Development and Water Waste Prevention components of the proposed Countywide Water Conservation Program; specific amendments to Ordinance 3274 (County Fee Schedule) to establish new fees associated with the implementation of the proposed Countywide Water Conservation Program; and establishment of a Plumbing Retrofit Program and Turf Removal Program, adopted. Furthermore, the readings of the proposed ordinances are waived and said proposed ordinances are read by title only and ORDINANCE NO. 3306, an ordinance amending Title 8 of the San Luis Obispo County Code, the Health and Sanitation Ordinance, by amending Section 8.40.030 and 8.40.040 relating to well permit requirements and adding Chapter 8.69 – urban and rural development water conservation requirements; ORDINANCE NO. 3307, an ordinance amending Title 19 of the San Luis Obispo County Code, the Building and Construction Ordinance, by amending Section 19.07.042 relating to water conservation in the Paso Robles Groundwater Basin and the Nipomo Mesa water conservation area, adopted; ORDINANCE NO. 3308, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, by amending Section 22.06.030 and Section 22.06.040 relating to land use permit requirements, adding Section 22.30.204 agricultural offset requirements, amending Section 22.30.310 regarding nurseries, amending Section 22.62.030 regarding land use permit types, and section 22.80.030 regarding definitions, adopted as amended; and ORDINANCE NO. 3309, an ordinance amending County Fee Schedule, adopted. Furthermore, RESOLUTION NO.

**2015-289, a resolution amending the position allocation list for resolution for Fiscal Year 2015-16, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)		x		
Compton, Lynn (Vice Chairperson)		x		
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Closed Session Items:**

**15.** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Two; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Two.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) Mesa Community Alliance v. State of California Department of Parks and Recreation, et al.

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (4) San Luis Obispo Government Attorney’s Union (SLOGAU); (5) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (6) Deputy County Counsel’s Association (DCCA); (7) Sheriffs’ Management; (8) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (9) Deputy Sheriff’s Association (DSA); (10) District Attorney Investigators’ Association (DAIA); (11) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (12) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (13) Unrepresented Management and Confidential Employees; and (14) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDs).

**Ms. Rita Neal – County Counsel:** states the Board will not be going into Closed Session.

**Chairperson Arnold:** opens the floor to public comment without response. **No action taken.**

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, October 27, 2015, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

**DATED:** October 29, 2015